IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 342 of 2006

Between:

S.A. Hussain

..... PETITIONER

AND

The Chairman and Managing Director,

CPDC of A.P. Ltd., (A.P. Transco) having its

Office at Singarani Bhavan, Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

Questioning the provisional assessment notice dated 04.05.2005 in estimating the cost of energy pilfered during 23.04.2004 to 23.04.2005 amount to Rs.33,991-00 and disconnecting the service connection bearing No.1171 situated at Koilakunta village of Kurnool District, the writ petition is filed. Against the impugned pilferage of energy assessment notice, the petitioner paid certain amount and obtained reconnection.

Under Section 126 of the Electricity Act, 2003, the service connection cannot be disconnected based on provisional assessment unless a reasonable opportunity is given to the consumer to file objections.

As objections are not being called for, pursuant to the provisional assessment notice, the petitioner is permitted to file objections pursuant to the provisional assessment notice dated 04.05.2005, within a period of ten days from the date of receipt of a copy of this order, and on filing such objections, the respondents may pass final orders, in accordance with the provisions under Section 126 (5) and (6) of the Electricity Act, 2003. Till then, the service connection of the petitioner shall not be disconnected for non-payment of the provisional assessment amount.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 05.01.2006

Dsr